

IN THE CHANCERY COURT FOR DAVIDSON COUNTY, TENNESSEE

AURELIO GALLI, PH.D.,

Plaintiff,

v.

BETHANN MC LAUGHLIN, PH.D.,

Defendant.

No.

18-1137-III

2018 OCT 18 PM 2:24

COMPLAINT

Plaintiff Aurelio Galli, Ph.D. states as follows for his complaint against defendant BethAnn McLaughlin, Ph.D.

INTRODUCTION

1. Dr. Galli is a respected scientist whose reputation and career are being tarnished by a relentless Internet smear campaign by Dr. McLaughlin, Dr. Galli's former colleague at Vanderbilt University ("Vanderbilt"). In her postings, which are largely directed to members of the relatively small scientific community to which she and Dr. Galli belong, Dr. McLaughlin repeatedly portrays Dr. Galli as a sexual harasser, a cyber-stalker, an intimidator, and a rage-filled person bent on killing or seriously injuring her. Those posts are utterly false and portray Dr. Galli in an extremely negative and offensive light to his peers, his employer, sources of critical funding for Dr. Galli's research, and the general public.

2. Dr. McLaughlin's vendetta against Dr. Galli began in or about May 2015, after Dr. Galli reported her to Vanderbilt for repeatedly making derogatory and highly unprofessional statements on social media about her students, colleagues, and other matters. Examples of Dr. McLaughlin's postings included statements such as: (a) "If you have gloves on, you better be

doing an experiment or giving a prostate exam because if I see you stupid asses touching an elevator button again, I will re-sex you;" (b) "I will save only the eyes. And put them on a shelf. I will flip them off once a day. #BadGradStudents;" (c) "When I work at home, hateful PI across the hall asks 'Are you okay? I was concerned you weren't in' in a super icky way. I may stab her today. It is not murder if they are being a dick;" (d) "I want to ask her if she's okay. . . I saw her in the bathroom for a long time and, you know, she's not getting any younger;" (e) "I'm fueled by trainee desperation and tears. I may live forever;" (f) "DAC not delivering animals over the holidays. I NEED TO SLAUGHTER THE THINGS."

3. Dr. Galli hoped that Dr. McLaughlin's vendetta against him would subside over time, but it has not. Accordingly, Dr. Galli is forced to take this legal action to protect himself and his reputation from further harm.

PARTIES & VENUE

4. Dr. Galli resides in Birmingham, Alabama. He is currently employed as a Professor and the Director for Gastrointestinal Biology Research at the University of Alabama at Birmingham. Dr. Galli was previously employed by Vanderbilt University from 2002 to 2018.

5. Dr. McLaughlin resides in Nashville, Davidson County, Tennessee. She is currently employed by Vanderbilt University as an Assistant Professor of Neurology.

6. Venue is proper in this Court pursuant to Tenn. Code Ann. § 20-4-101(a), because Dr. McLaughlin resides in Davidson County and the unlawful conduct alleged herein occurred in Davidson County.

FACTS

7. Dr. McLaughlin initially retaliated against Dr. Galli for reporting her unprofessional Internet postings by filing a complaint with Vanderbilt claiming that Dr. Galli was using social media to tarnish her reputation. Vanderbilt subsequently investigated that complaint and concluded that it was baseless.

8. Thereafter, Dr. McLaughlin repeatedly made other false complaints to Vanderbilt about Dr. Galli.

9. In 2014, Vanderbilt conducted a Title IX investigation in conjunction with a lawsuit filed by a female graduate student who claimed that Dr. Galli had verbally harassed and discriminated against her.

10. In the course of that investigation, Vanderbilt interviewed Dr. Galli and everyone working in his laboratory at that time. Vanderbilt also interviewed former students of Dr. Galli and others who had previously worked in Dr. Galli's laboratory.

11. Based on its investigation, Vanderbilt concluded that the allegations against Dr. Galli were unfounded and he was fully exonerated.

12. Dr. McLaughlin claims to have been interviewed by Vanderbilt as part of its investigation of Dr. Galli. According to her subsequent Internet postings, Dr. McLaughlin felt significantly mistreated in the investigative process both by the investigators and by other colleagues of hers at Vanderbilt, which offended and enraged her.

13. As a result, Dr. McLaughlin began an intensive Internet smear campaign against both Vanderbilt and Dr. Galli.

14. Her false and derogatory postings have been directed largely to Dr. Galli's colleagues in the Society for Neuroscience, which consists of approximately 30,000 scientists working at colleges and universities around the world.

15. A central component of Dr. McLaughlin's smear campaign is a rant she authored entitled "'Winning' a Title IX case," which was posted on the blog *Prof-like Substance* on December 20, 2016 ("Title IX Posting"). A true and accurate copy of the Title IX Posting is attached hereto as Exhibit A.

16. In the Title IX Posting, Dr. McLaughlin bashes Vanderbilt and several unidentified male and female colleagues for the way she was treated during the Title IX investigation and decries the unfairness of the process and the personal and professional toll it allegedly took on her:

- "Did I win yet? The papers I have in my hand tell me I've won. Liars have been revealed. Gossip spread about me was shown to be untrue. Misdeeds, harassment and retaliation that were all showered down on me when I participated in a Title IX investigation at my university were revealed."
- "What the Title IX investigator actually needed was a statement about what I witnessed. But he took so much more."
- "'The 'bad guys (and gals!)', the ones that piled on, have all gotten promoted during this process. The university has their back professionally. Having tenure will do that. But I won. I have a report that says so. What I don't have is a raise, an apology or even an acknowledgement of what the administrators at this school did in an effort to get me to Stop. Telling. The. Truth.'"
- "I haven't been very good at my job during these past few years . . . I check the boxes that need to be checked, move up the papers I can, but I used to write 6-8 grants a year. Last year I wrote none."

17. Dr. McLaughlin then transitions into bashing Dr. Galli with various lies and innuendo, falsely painting him as an unstable, rage-filled, sexual harasser that has intimidated and cyber-stalked Dr. McLaughlin and her friends and will inevitably try to kill her.

- “It’s 2 am and I’m sitting with my winning report in one hand and a knife a friend gave me to protect myself in another. He sent [the knife] to me because the person accused of harassment also cyber stalked and intimidated me and my friends.”
- “He posted pictures on our account of him with his guns and called us out by name.”
- “He told my husband he ‘didn’t have any plans’ to hurt me or my children.”
- “Others told the committee that yes, he was obsessed with me, but they weren’t worried—he couldn’t be *that* dangerous.”
- “Many a sleepless night I’ve wondered how far I’m going to get with a guard dog and a 3 inch knife and a heart that is barely intact when this man finally goes into his inevitable rage. The knife won’t do much. I know this. But I want my friends to know I went down fighting.”
- “I wonder when this man’s rage will come out fully. Sometimes I’m 100% convinced that will be the day when this all becomes public, and I’ll need that knife.”
- “On particularly bad nights, when I know he’s been taken to task for his bad behavior that day, I have friends check on me in the morning. To make sure he hadn’t killed me in my home. I tell them about what’s happened that day, tell them where my diary is hidden that night and make them remember to tell the police to look him up first. I forbid my children to sleep in my bed. I desperately want to curl up with them, but it seems unsafe for them to be so close to me if he comes.”
- “I am, in fact, in mortal fear for my life.”

18. The Title IX Posting does not explicitly identify Dr. McLaughlin as the author or Dr. Galli as the subject of her false and defamatory statements. However, after anonymous sources (which Dr. McLaughlin incorrectly assumed to be Dr. Galli) publicly questioned whether scientific data had been plagiarized in a few studies involving Dr. McLaughlin,¹ she became more transparent in her postings about Dr. Galli.

¹ See <https://pubpeer.com/publications/472AC620945BF3C1DA6F30E091EAB6>; <https://pubpeer.com/publications/774DC3D677CA9A9250D7F950F66093>; <https://pubpeer.com/publications/CC2D13FB7878465278A6430FB45600>; <https://pubpeer.com/publications/07E0CCA1C912B74A28CB1C263F5E9A>.

19. In postings to her Twitter account, “@McLNeuro,” postings to other social media accounts, and postings in on-line publications regularly viewed by members of the neuroscientific community, Dr. McLaughlin now directs people to the Title IX Posting via hyperlink and identifies herself as the author.

20. Dr. McLaughlin also now identifies the Title IX investigation as having occurred at Vanderbilt and the object of her false and defamatory statements as a being a male neuroscience colleague at Vanderbilt. She also frequently directs people to an on-line copy of the complaint from the lawsuit filed against Dr. Galli in 2014.

21. Because of this, and the publicity the lawsuit received on social media, Dr. Galli’s peers in the Society for Neuroscience are readily able to ascertain that Dr. McLaughlin’s false and defamatory statements in the Title IX Posting and in other postings are made of and concerning Dr. Galli.

22. In addition to the Title IX Posting, Dr. McLaughlin has made and continues to make numerous other false and defamatory Internet postings of and concerning Dr. Galli in response to persons who comment on the Title IX Posting and otherwise. In those posts, Dr. McLaughlin calls Dr. Galli a “terrorizing” harasser, “crazy person,” “trash,” and a would-be killer. She also states that Dr. Galli “stalks her,” tried to retaliate against her by defaming the work of one of her students, threatened a student with a gun, and was fired from his position at Vanderbilt for retaliating against and harassing her, all of which are completely false.

COUNT I - DEFAMATION

23. Dr. Galli incorporates the allegations in the preceding paragraphs herein by reference.

24. Dr. McLaughlin published the statements about Dr. Galli described herein to third parties with knowledge that they were false and defamatory to Dr. Galli, with reckless disregard for the truth of the statements, or with negligence in failing to ascertain the truth of the statements.

25. Dr. McLaughlin's defamatory statements constitute a serious threat to and have resulted in an injury to Dr. Galli's character and reputation.

26. Dr. McLaughlin's defamatory statements have caused actual damages to Dr. Galli in the form of impairment of reputation and standing in the community, personal humiliation, and mental anguish and suffering, for which Dr. Galli is entitled to compensatory damages and punitive damages in an amount to be proven at trial.

27. Dr. Galli is also entitled to injunctive relief, both preliminary and permanent, based on the threat of irreparable damage to his reputation and career posed by Dr. McLaughlin's defamatory statements.

COUNT II – FALSE LIGHT INVASION OF PRIVACY

28. Dr. Galli incorporates the allegations in the preceding paragraphs herein by reference.

29. Dr. McLaughlin's statements about Dr. Galli described herein have placed Dr. Galli in a false light before the public.

30. Those statements would be highly offensive to a reasonable person.

31. Dr. McLaughlin published the statements to third parties with knowledge of or with reckless disregard as to the falsity of the statements and the false light in which Dr. Galli would be placed by them.

32. Dr. McLaughlin's statements have caused actual damages to Dr. Galli in the form of impairment of reputation and standing in the community, personal humiliation, and mental anguish and suffering, for which Dr. Galli is entitled to compensatory damages and punitive damages in an amount to be proven at trial.

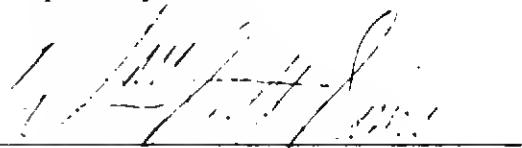
33. Dr. Galli is also entitled to injunctive relief, both preliminary and permanent, based on the threat of irreparable damage to his reputation and career posed by Dr. McLaughlin's statements.

PRAYER FOR RELIEF

WHEREFORE, Dr. Galli demands the following relief against Dr. McLaughlin:

1. An award of compensatory damages in an amount to be proven at trial;
2. An award of punitive damages in an amount to be proven at trial;
3. Preliminary and permanent injunctive relief prohibiting Dr. McLaughlin from making further statements that defame Dr. Galli or place him in a false light before the public;
4. An award of his litigation costs and expenses, including reasonable attorneys' fees, incurred in this action; and
5. Such other and further relief as the Court may deem appropriate.

Respectfully submitted,



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Attorneys for Plaintiff

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"Winning" a Title IX case

Dec 20 2016 Published by proflike substance under [Education&Careers].

[Science in Society]

The post below was written by a friend who has been through a lot in the past few years. I'm hosting it (was previously on pastebin) here to keep a permanent archive and also to make sure it gets seen. I am always shocked at what some universities will do to keep their "reputation" from being tarnished, while destroying those who build that reputation every day. And yet...

It's time we stop being shocked and start making sure this shit doesn't happen at our own universities.

Did I win yet? The papers I have in my hand tell me I've won. Liars have been revealed. Gossip spread about me was shown to be untrue. Misdeeds, harassment and retaliation that were all showered down on me when I participated in a Title IX investigation at my university were revealed. The committee that wrote the report got the major facts right. They named the folks who did horrible things. Some of these people opportunistically piled on me for betraying the 'reputation' of my university. And others were paranoid and crazy to begin with and thought they could gain something by just adding some colorful lies. But this little gem of a report I'm holding, it really managed to dig out the truth. Of course, there is nothing in this report saying any of the liars, gossips, slanderers or attackers should face consequences. The report just says I should not be punished. I should not face consequences for having been truthful in a sexual harassment and retaliation case.

A giant report that spans years of my life is now sitting in my office. It contains my emails. My social media. Testimony about who hates me, and every problem anyone on campus has ever had with me, because disagreeing with me makes me a less credible witness, I guess. The person who ran the Title IX investigation that allowed me to be pulled apart for two years is still working for my university. He allowed my integrity to be openly questioned amongst my peers. What the Title IX investigator actually needed was a statement about what I witnessed. But he took so much more. He took the word of the accused and made me the focus of an investigation. The Title IX investigator took these false allegations to my peers - people who were used to this faculty's harassment, who had justified it to themselves and collaborated with it - just to see if any of them had anything bad to say about me. My report now says the accused was wrong to try to divert attention to me in this way and the Title IX investigator was wrong to pursue me.

But the committee studying this whole thing says I won. Winning is an odd word to put with having paid a lawyer \$10,000 to sit in a room with me while lawyers hired by my university asked about my friendships, my sex life, my funding, my marriage. They were also very keenly interested in knowing why was I such a bitch? I stared straight ahead thinking of the \$450 and hour my lawyer was charging and wondered what part of my frontal cortex I could dissect and to not be a bitch under these circumstances. I stared straight ahead answering all their questions. For hours and hours. I wasn't trying to be friendly. I was trying to be honest to the best of my ability and I was focusing intently on the truth.



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- NSF funding myth, hyperbole and luck
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It turns out this kind of intent focus made me both unlikable and, oddly, less credible. Which is interesting from a scientist's perspective. I mean....I don't have to like you to look at a fact and see if it's supported. I see many people who don't like each other agree on science and facts. But lawyers, they get to write reports and discuss how much they like you....how 'credible' you are. I wish I got a chance to tell them I didn't like them much either.

Another fun fact about having the tables turned on you and being investigated by someone covering up bad behavior at your university is that you never get to call a single witness on your own behalf. Not a single person who could talk about the minority and mentoring programs I run. No one who can talk about the culture of horrific harassment, gossip and meanness that swirls around here and particularly around 'women with opinions'. I would have liked to call a witness who could say that maybe this all started when I was at dinner and a senior faculty who collaborated with the accused and he asked me if I was the on top during sex with my husband. And that when I marched into my chairman's office the next day and told him this was degrading, that I was, in fact, taking on decades of this kind of behavior at my university. That is was not an ignorant comment. It was a hostile culture. I left my chairman to handle it as he saw fit but in doing so, I opened the door to becoming 'the bitch'. So much for a measured response.

The 'bad guys (and gals!)', the ones that piled on, have all gotten promoted during this process. The university has their back professionally. Having tenure will do that. But I won. I have a report that says so. What I don't have is a raise, an apology or even an acknowledgement of what the administrators at this school did in an effort to get me to Stop. Telling. The. Truth.

The funny thing is, I would have gladly saved their reputation. At the outset, I wanted to be the poster child for how this process could go right. I was going to make damn sure it went right. It would be hard, but maybe I could help people see the bigger picture of what we needed to do for our students. Apparently no one thought of that. No one bothered to think I might want to help. Now I'm just some sort of weird academic PTSD poster child.

In spite of being a winner, I have to say, I haven't been very good at my job during these past few years. I have been subject to multiple rounds of investigation. I check the boxes that need to be checked, move up the papers I can, but I use to write 6-8 grants a year. Last year I wrote none. It's hard to have the energy just to go into work, and with writing a grant I might as well be willing myself to fly. I have no wings.

The university, well, they found in my favor.....mostly. They did want to mention that when they ask me about small details from 10 years ago that weren't even part of any investigation previously but the accused harasser 'just found', one of them found my answers confusing and insincere. Which seems reasonable since I was sincerely confused. And my confusion on this 'thing', it was a topic that had nothing to do with harassment, yet one panelist was so vexed by this 5 minutes of confusion that they repeat over and over under every 'charge' I faced, that my answers to events 10 years ago made me no longer credible. That, as you know, means that person doesn't like me much either. But here I am. It's 2 am and I've won, dammit. Which is nice when you're telling the truth and deans and lawyers have told you are lying for so long that the gaslighting has made you think you are a terrible person for pursuing this in the first place.

Early on, I was told by emphatically that not to talk to anyone about this case. I was not to talk to anyone to defend myself against these liars. Friends came to me desperate to help. And I told them to leave it. I also had no advocate to help me. No one to help prepare documents that took weeks to write and rewrite. No one to help me read testimony and put together timelines that would show people were lying.

But, here's the thing, even in my testimony, I was only telling part of the truth. There's a whole lot more no one even bothered to ask about. Just between you and me, everyday I walk around feeling like someone is cryosectioning my heart while it beats in my chest. Even worse, I have had people I love walk away

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- May 2017
- December 2016
- September 2016
- March 2016
- February 2016
- January 2016
- December 2015
- November 2015
- October 2015
- August 2015
- July 2015
- June 2015
- May 2015
- April 2015
- March 2015
- February 2015
- January 2015
- December 2014
- November 2014
- October 2014
- September 2014
- August 2014
- July 2014
- June 2014
- May 2014
- April 2014
- March 2014
- February 2014
- January 2014
- December 2013
- November 2013
- October 2013
- September 2013

from me. Because it's too much to bear. My tears, my anger and my despair, they are simply too much to bear. They write emails and tell me they support 'my cause' but can't talk to me. I am now a cause. I just wanted my friends back. And there it is...this feeling as though I am having 10 micron sections cut from my heart, day after day, like some freak side show at The Bodies exhibit.

These three years taught me about how anxiety can take a fully capable and confident young scientists and make them sit in their car hoping to get the courage to go into work and cheer my students on, ever fearful they may see thru me. Afraid that my exhaustion, brokenness and sadness will one day over run my desire to see them succeed. I have cried every day since May 9th and many days before that. Sometimes I cry giant ugly fat tears of rage and despair. Other times hot tears of injustice. I have seven main kinds of crying. When you cry enough and you're a scientist, you start to categorize them. My family and friends have seen me turn from exuberant and engaged to shattered and with no clear career path. No one asks me to give their kids tours of the campus anymore because I just sort of mutter things and point at trees. I don't have anything to say.

Tomorrow I'll talk to the Justice Department. They have assured me that they are the best of the best; that I have followed every step as I should have and now they will take on my university's Title IX office. They tell me my university loves lawyers and fights hard against any punitive action or being forced to acknowledge wrong doing about sexual assault or harassment. I understood that pretty clearly a long time ago, but I guess it's nice they confirmed it? The Department of Justice has also told me that the most severe punishment they can impose is to require more training for everyone at my university. Nothing public. Just everyone taking more training. I laughed when they said it. I asked them if they knew training didn't work for sexual harassers. People had studied it and it doesn't work. Yes, they said...they do know that. I then wonder why I was laughing. Maybe I haven't found tears for when the Department of Justice says you're screwed even if you win?

It's 2 am and I'm sitting with my winning report in one hand and knife a friend gave me to protect myself in another. He sent it to me because the person accused of harassment also cyber stalked and intimidated me and my friends. He posted pictures on our account of him with his guns and called us out by name. He told my husband he "didn't have any plans" to hurt me or my children. Others told the committee that yes, he was obsessed with me, but they weren't worried-he couldn't be "that" dangerous. Many a sleepless night I've wondered how far I'm going to get with a guard dog and a 3 inch knife and a heart that is barely intact when this man finally goes into his inevitable rage. The knife won't do much. I know this. But I want my friends to know I went down fighting. I wonder when this man's rage will come out fully. Sometimes I'm 100% convinced that will be the day when this all becomes public, and I'll need that knife. On particularly bad nights, when I know he's been taken to task for his bad behavior that day, I have friends check on me in the morning. To make sure he hadn't killed me in my home. I tell them about what's happened that day, tell them where my diary is hidden that night and make them remember to tell the police to look him up first. I forbid my children to sleep in my bed. I desperately want to curl up with them, but it seems unsafe for them to be so close to me if he comes. This is what it's like to win your Title IX case.

Friends and the DOJ suggested I call the police. When I did, a very sweet officer came and sat in my living room and told me the kind of gun I should get. And how, when I had to kill the trespasser I was to say, "I was in mortal fear for my life" when the police come. Apparently juries and judges like that. I am, in fact, in mortal fear for my life. This is what it's like to win a Title IX case. And if, while I'm talking to the DOJ tomorrow, someone on my campus is be assaulted, the investigator who interviews them may be the same one that helped to turn the tables and make a Title IX investigation about me. He still works here. And he can decide to take a manila folder of information from the victim's assailant and investigate her, because maybe she too will have a

- August 2013
- July 2013
- June 2013
- May 2013
- April 2013
- March 2013
- February 2013
- January 2013
- December 2012
- November 2012
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- February 2010
- January 2010
- December 2009
- November 2009
- October 2009

credibility problem. Because that's how Title IX works. I should know. I'm a winner.

http://bit.ly/white_flag

20 responses so far

 drugmonkey

December 22, 2016 at 1:58 am

This is really depressing for those who want this to be a decent world.

 genomicrepairman

December 23, 2016 at 3:42 pm

Just like to say that I feel awful they had a really fucked up experience when trying to stand up for them and others. A little bit of society's soul is crushed by treating the victims as the accused.

 civilrightsbaboon

December 23, 2016 at 5:07 pm

As a civil rights lawyer I have to say that all civil rights laws are intended to protect the person coming forward but the reality is these laws fail and fail miserably. These laws - whether it is Title VII (equal employment) or Title IX of 42 USC 1983 - have been dissected and distorted by federal appellate courts so much that the victim is made to blame.

If the victim loses a civil rights case then the district court can force the victim to actually repay the costs of litigation. If the victim wins then the institution can pay whatever lodestar amount the court thinks his/her lawyer deserves but not until the lawyer has withstood brinksmanship maneuvers by counsel for the university/employer, etc. I have been called a "fucking lying baboon" which was at least creative. They do anything and everything to dissuade a lawyer from staying on a case and will stop at nothing to include late night filings for sanctions and Friday afternoon "emergency" motions.

What these laws don't protect is the integrity of process or the integrity of the victim. The DOJ has refused to do its job many times over until citizens of the municipality or students of the university demand that the DOJ actually do something and even then the DOJ can only do what the federal courts allow it to do. Mind you these federal court judges are appointed for life -- known as Article III judges -- and they can be as conservative as they want to be. The federal appellate courts aren't any better.

So what is the solution? Getting the information out there to be published in the media whether it is on blogs or in newspapers or on TV news stations. It is only when citizens start demanding that universities stop employing and protecting predators that the universities will know they are under the microscope. Without public involvement nothing will change. Not now not ever.

I realize you cannot publish the name of the university to protect the identity of the victim but please reconsider and post the name of the institution at some point in time so allow the public to become informed and aware.

 Funny about Money

December 23, 2016 at 9:04 pm

To Civil Rights Baboon: a) This kind of thing happens in every university in the land. It's SOP from coast to coast. And b) publishing the school's name will cause a LOT more trouble for the woman.

September 2009

August 2009

July 2009

June 2009

May 2009

April 2009

March 2009

February 2009

January 2009

December 2008

November 2008

October 2008

Sitemeter

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